

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELVANO GALLI,

Plaintiff,

v.

F/V BARBARA ANN (O.N. 699442)
her engines, boilers, tackle, fishing
permits and appurtenances, *in rem*
and LOUIS PASQUALE, *in personam*,

Defendants.

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Civil Action No. 04-11544-JLT

ORDER FOR INTERLOCUTORY SALE

March 24, 2005

TAURO, J.

Plaintiff's Motion for Interlocutory Sale of Vessel and Request for Confirmation Hearing

[#17] is ALLOWED, and good reason being shown, this court hereby orders that:

1. The Defendant vessel F/V BARBARA ANN (O.N. 699442) be sold by the United States Marshal at Gloucester no later than April 25, 2005;
2. The Marshal shall advertise the time, date, place, and terms of the sale in a notice to be published in the Boston Herald twice within fourteen (14) days preceding the sale. Any party may publish a similar notice in other newspapers or other media within or outside the district, but such publication shall be at his expense and shall advertise the sale in accordance with the terms of this order;
3. Plaintiff shall give notice of the time, date, and place of the sale to the vessel owner and all mortgagees and lien holders of record with the United States Coast Guard's National Vessel Documentation Center at least fourteen (14) days before the sale

of the vessel;

4. The Marshal shall bring the proceeds of such sale into Court, and deposit the same with the Clerk thereof pending the further hearing of this action upon the claim of the plaintiff, and pending the final judgment herein;
5. The Marshal is hereby authorized to accept bids from Plaintiff on account of its claim as set forth in the Verified Complaint, without payment in cash at the time of sale up to the amount of \$85,000.00;
6. The Marshal is hereby authorized to accept a deposit of twenty five percent of the amount bid for the Defendant F/V BARBARA ANN (O.N. 699442), upon condition that the balance of the bid is paid on the date the sale is confirmed, and upon condition that the deposit shall be forfeited by the bidder and applied to the costs of this action if the balance of the bid is not paid when due;
7. The clerk shall issue a Writ of Venditioni Exponas for this sale to occur; and
8. A hearing will be held on May 2, 2005 at 10:00 a.m. to confirm the sale of the vessel. The time and date of the confirmation hearing shall be set forth in the notice of sale to the owner of the vessel, the mortgagees, the lien holders of record, and shall be announced to the public-at-large at the sale.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge